

REMARKS

Claims 1, 2, 6, 7, and 9-47 are pending. Claims 1, 2, 6, 7, and 9-18 have been amended, claims 3-5 and 8 have been canceled, and new claims 19-47 have been added to recite additional features of Applicants' invention.

At the outset, Applicant notes that claim 10 was inadvertently skipped during the original numbering of the claims. The Examiner appears to have taken this error into consideration when referring to the claims in the Office Action, i.e., it appears that claims 11-19 were referred to as claims 10-18 in the Office Action. To remove any ambiguity created by this error, claims 11-19 have been re-numbered 10-18 consistent with the numbering in the Office Action.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, the Examiner indicated that claims 5, 8-11, 17, and 18 would be considered allowable if re-written into independent form to recite the features of their base and intervening claims (and to overcome the claim objections were applicable).

Claim 1 has been amended to recite the features of claim 5 and its intervening claims, claim 7 has been amended to recite the features of claim 8, and claims 9, 11, and 17 have been re-written into independent form. (These claims have also been amended for clarity to ensure, for example, that all terms have proper antecedent basis). Applicant respectfully submits that these amendments are sufficient to overcome the § 102(e) rejection and to place claims 1, 2, 6, 7, and 9-18 into condition for allowance.

New claims 19-47 have been added to the application. These claims recite one or more of the features indicated to be allowable by the Examiner.

Claim 19 recites a method for determining vehicle traffic, comprising receiving location information from a mobile terminal, detecting whether the mobile terminal is in a moving vehicle, and if the mobile terminal is in a moving vehicle determining traffic conditions along a route based on the location information. The Havinis patent does not disclose or suggest these features.

The Havinis patent discloses a cellular phone which determines its location within a service area and then transmits that location back to a base station or switching center for tracking purposes. The Havinis patent does not disclose “detecting whether the mobile terminal is in a moving vehicle” and “if the mobile terminal is in a moving vehicle, determining traffic conditions along a route based on the location information.” Applicant respectfully submits that these differences are sufficient to render claim 19 and its dependent claims allowable over Havinis.

Claim 20 recites “transmitting information indicative of the traffic conditions to another mobile terminal.” Havinis discloses transmitting location information of one terminal to another terminal. However, Havinis does not disclose or suggest transmitting traffic conditions (e.g., an amount of traffic congestion) along a route based on location information from a mobile terminal.

Claim 21 recites that the traffic condition information is transmitted to the other mobile terminal in response to a request signal from the other mobile terminal. Havinis does not disclose or suggest these features.

Claim 22 recites that the location information includes locations of the mobile terminal along the route and times when the locations were detected. Havinis does not disclose or suggest these features in combination with the features recited in base claim 19.

Claim 23 recites that each of the locations is included within a respective one of a plurality of services areas of a mobile communication system. Havinis does not disclose or suggest these features in combination with the features recited in base claim 19.

Claim 24 recites that “only one location for each of the service areas is received.” Havinis does not disclose or suggest these features.

Claim 25 recites that “the locations of the mobile terminal are received in a single transmission.” Havinis does not disclose or suggest these features.

Claim 26 recites that “the single transmission is received after detection of a predetermined number of locations of the mobile terminal.” Havinis does not disclose or suggest these features.

Claim 27 recites that “the predetermined number is indicated by a parameter transmitted to the mobile terminal.” Havinis does not disclose or suggest these features.

Claim 28 recites that “the parameter is varied based on at least one of road conditions and traffic congestion along the route.” Havinis does not disclose or suggest these features.

Claim 29 recites that the detecting step includes comparing the times to a predetermined interval value and determining whether the mobile terminal is in a moving vehicle based on a result of the comparison. Havinis does not disclose or suggest these features.

Claim 30 recites “determining that the mobile terminal is being carried by a walking user based on a result of the comparison.” Havinis does not disclose or suggest these features.

Claim 31 recites that “the mobile terminal performs mobile communication service functions and traffic information service functions.” Havinis does not disclose or suggest these features in combination with the features recited in base claim 19.

Claim 32 recites that the mobile terminal is a PCS terminal. Havinis does not disclose or suggest these features in combination with the features recited in base claim 19.

Claim 33 recites that “the location information is received from the mobile terminal through base transceiver stations located at predetermined positions along the route.” Havinis does not disclose or suggest these features in combination with the features recited in base claim 19.

Claim 34 recites a system for determining vehicle traffic, comprising a network block which receives location information from a mobile terminal, “a detector which detects whether the mobile terminal is in a moving vehicle, and a processor which, if the mobile terminal is in a moving vehicle, determines traffic conditions along a route based on the location information.” Havinis does not disclose or suggest these quoted features of claim 34.

Claims 35-47 recite additional features which are not disclosed or suggested by the Havinis patent.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with this application to Deposit Account No. 16-0607 and credit any excess fees to the same Deposit Account.

Respectfully submitted,



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